

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS

SHERRY MCROBIE,

Plaintiff,

v.

Civil Action No. 2:18-CV-90
(Judge Bailey)

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation of United States Magistrate Judge James P. Mazzone [Doc. 11] dated November 18, 2019, to which neither party filed objections. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See **Webb v. Califano**, 468 F.Supp. 825 (E.D. Cal. 1979). Service was accepted on the date the R&R was filed, November 18, 2019. To date, no objections have been filed; accordingly, this Court will review the R&R for clear error.

Upon review of the above, it is the opinion of this Court that the Report and Recommendation [Doc. 11] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, this Court finds substantial evidence exists

in the record to support the ALJ's findings. As such, the Plaintiff's Motion for Summary Judgment [Doc. 6] is **DENIED**, the Defendant's Motion for Summary Judgment [Doc. 9] is **GRANTED**, and the decision of the Commissioner is **AFFIRMED** and this case is **DISMISSED WITH PREJUDICE**. The Clerk is directed to enter judgment in favor of the defendant. As a final matter, this matter is hereby **ORDERED STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: December 4, 2019.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE